

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MICHAEL G. WEBB,

Plaintiff,

v.

Civil Action No. 3:08-CV-05

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**REPORT AND RECOMMENDATION THAT PLAINTIFF'S APPLICATION TO  
PROCEED IN FORMA PAUPERIS BE DENIED**

On January 7, 2008, Michael G. Webb, ["Plaintiff"], filed a complaint for review of Defendant's denial of his application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and an Application for Leave to Proceed in forma pauperis. On January 11, 2008, the Court Ordered Plaintiff to complete the District's new IFP form. Plaintiff filed the completed IFP form on January 18, 2008.

Plaintiff's application reveals he is not employed. During the past twelve months, Plaintiff has received, per month, \$44.00 in interest and dividends and \$1374.00 in disability payments for a total monthly income of \$1418.00. Also during the past twelve months, Plaintiff's spouse has received \$4018.13 per month from employment. Plaintiff and his spouse have \$404.42 in a savings account and \$600.00 in a checking account. Plaintiff and his spouse own a residence valued at \$225,000 and pay \$1,308.06 per month towards their mortgage; own half of a 95 acre lot valued at \$20,000; possess a 1999 Ford Ranger valued at \$4,500 (with a loan balance of \$6,000) and a 1996 Honda Accord valued at \$20,000 (with a loan balance of \$18,582.64) and pay \$658.00 per month in car payments. Plaintiff's monthly expenses total

\$3,906.60 and include mortgage and car payments, utility payments, house/food/clothing expenses, medical/dental expenses, transportation costs, insurance payments, and \$126 in recreation/entertainment costs.

Accordingly, it is **ORDERED** that Claimant's January 18, 2008 Application to Proceed in forma pauperis is **DENIED**.

**IT IS SO ORDERED.**

DATED: January 28, 2008

/s/ James E. Seibert  
JAMES E. SEIBERT  
UNITED STATES MAGISTRATE JUDGE